

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

JOSE E. RUIZ PEREZ, et als.

**Plaintiff(s)**

v.

CIVIL NO. 98-1555 (JAG)

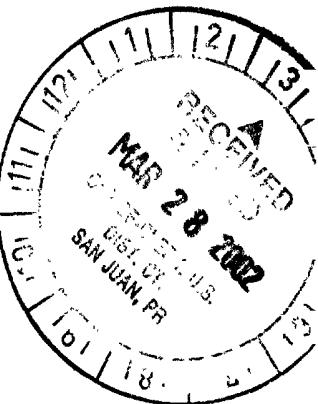
COMMONWEALTH OF PUERTO RICO,  
et als.

**Defendant(s)**

**MEMORANDUM & ORDER**

Plaintiffs Luis A. Lorand-Irizarry, Antonio E. Depombo-Cobo, Emilio Gonzalez and Paola Nesmith brought suit against the Commonwealth of Puerto Rico and other defendants on May 21, 1998. On January 16, 2001, the Court ordered the parties to meet and provide the Court with information requested in a questionnaire. Plaintiffs never complied with the Court's order. On February 6, 2002, the Court ordered plaintiffs to show cause by February 21, 2002, why they had failed to comply with the Court's order and why they had not appeared in the case since December 1, 1999. Indeed, the record indicates that plaintiffs have not filed any motion with the Court during the past three years. The Court forewarned plaintiffs almost two months ago that continuous laxity in moving their case would result in dismissal for want of prosecution. Despite the Court's warning, plaintiffs Luis A. Lorand-Irizarry, Antonio E. Depombo-Cobo, Emilio Gonzalez-Guanill and Paola Nesmith

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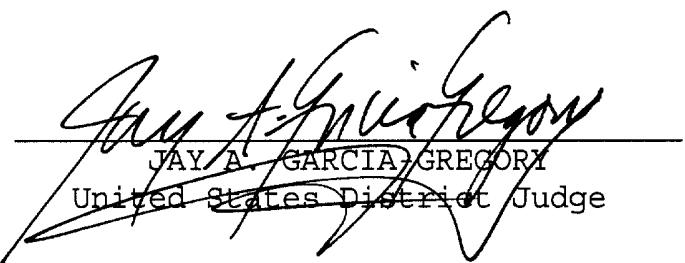
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have not appeared or shown any interest in prosecuting their case against defendants. They have simply opted to disregard the orders of this Court.<sup>1</sup>

The First Circuit has consistently upheld dismissals for want of prosecution pursuant to Fed. R. Civ. P.41(b), where there has been extremely protracted inaction (measured in years), disobedience of court orders, ignorance of warnings, or contumacious conduct. See Cosme Nieves v. Deshler, 826 F.2d 1 (1st Cir. 1987); United States Investment and Development Corp. v. Cruz, 780 F.2d 166, 168 (1st Cir. 1986). Plaintiffs' sustained inaction and blatant disregard of this Court's orders, warrants the dismissal of their federal claims for lack of prosecution under Fed. R. Civ. P.41(b). The Court declines to exercise its supplemental jurisdiction over plaintiffs' state law claims under 28 U.S.C. § 1337 and they are hereby dismissed without prejudice.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 27th day of March 2002.



JAY A. GARCIA GREGORY  
United States District Judge

<sup>1</sup> Only plaintiff Jose E. Ruiz has appeared through counsel in response to the Court's latest order. He has, however, failed to show cause why his case should not be dismissed and this Court has issued a separate Memorandum and Order dismissing his federal claims pursuant to Fed. R. Civ. P. 41(b).